

ORDINANCE NO. 15,512

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4301 Fleur Drive from the "R-3" Multiple-Family Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 4301 Fleur Drive, more fully described as follows, from the "R-3" Multiple-Family Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District classification:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 540.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND 933.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S89°41'34"E 136.68 FEET ALONG THE EASTERLY LINE DESCRIBED IN GENERAL WARRANTY DEED BOOK 8490, PAGES 450-455 IN THE OFFICE OF THE POLK COUNTY, IOWA RECORDER TO A POINT THAT IS 640.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S0°19'09"W 388.38 FEET ALONG SAID EASTERLY LINE TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SAID POINT BEING 640.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S89°45'32"W 136.69 FEET ALONG SAID SOUTH LINE; THENCE N0°19'09"W 389.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.22 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Any redevelopment of the Property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center;
- (2) Any Site Plan submitted for development upon the Property shall bring the entire site into conformance with the City's Landscape Standards as applicable to "C-2" Districts;
- (3) Any Site Plan submitted for development upon the Property shall provide a minimum 5-foot wide public sidewalk along all segments of Fleur Drive frontage;
- (4) Any Site Plan submitted for development upon the Property shall provide a pedestrian route through the site from that sidewalk to the main entrance of any new structure, to the satisfaction of the City's Planning Administrator;
- (5) Any Site Plan submitted for development upon the Property shall provide a pedestrian connection and a vehicular connection with the multiple-family residential development to the east, to the satisfaction of the City's Planning Administrator;
- (6) Construction of any building on the Property shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City's Planning Administrator; and
- (7) Any future partial demolition of a structure upon the Property shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City's Planning Administrator.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 16-1661), passed by the City Council of said City at a meeting held September 26, 2016 signed by the Mayor on September 26, 2016 and published and provided by law in the Business Record on October 14, 2016. Authorized by Publication Order No. 9728.

Diane Rauh, City Clerk